

REMARKS

Reconsideration of this application in light of the present amendment and remarks is respectfully requested. In the outstanding office action, claims 1-12 are pending in the application. Claims 1-12 are rejected.

Claims 1 and 4-7 were rejected under 35 U.S.C. § 102(b) as being anticipated by Pinter (U.S. patent number 5,894,506).

Claim 8 stands rejected under 35 U.S.C. 102(b) as being anticipated by Gabrielle et al. (U.S. patent number 6,154,147).

Claim 2 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Pinter (U.S. patent number 5,894,506) as applied to claim 1 and further in view of Gabrielle et al. (U.S. patent number 6,154,147).

Claim 3 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Pinter (U.S. patent number 5,894,506) as applied to claim 1 and further in view of Takahashi et al. (U.S. patent number 6,097,935).

Claims 9-10 and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gabrielle et al. (U.S. patent number 6,154,147), in view of Nelson (U.S. patent number 4,951,044).

Claim 11 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Gabrielle (U.S. patent number 6,154,147) in view of Nelson et al. (U.S. patent number 4,951,044) as applied to claim 10 and further in view of Takahashi et al. (U.S. patent number 6,097,935).

RESPONSE TO THE OFFICE ACTION

In response to the office action, claims 1-12 were amended. New claims 13 and 14 were added.

In response to the Applicant's obligation under 37 C.F.R. 1.56 and further in compliance with 35 U.S.C. par. 102 (f) and (g) and 35 U.S.C. 103, the subject matter of the various claims was commonly owned at the time the invention was made.

Applicant notes that Applicant has not received a Notice of Draftsperson's Patent Drawing Review (PTO-948) for this case. Applicant respectfully requests Examiner to forward such document when available.

Claim Rejections - 35 U.S.C. § 102(b):

Applicant respectfully requests reconsideration of the rejection of Claims 1 and 4-7 under 35 U.S.C. § 102(b) as being anticipated by Pinter (U.S. patent number 5,894,506) as herein amended.

Independent claim 1 has been amended to clarify that the messaging terminal is adapted to "receive a message comprising one or more message components from a sending messaging device, wherein the message includes an identity of a receiving messaging device, access one or more codes representing at least one of the message components, wherein the one or more codes are associated with the receiving messaging device, generate a reduced messaging signal for the received message by using the one or more codes, and send the reduced messaging signal to the receiving messaging device." (Support for this amendment can be found in Applicant's specification on page 14 lines 4-12 and in original claim 1) Independent claim 1 has further been amended to clarify that the receiving messaging device is adapted to "respond to the reduced messaging signal by displaying the message with the message components represented by the codes received in the reduced messaging signal." (Support for this amendment can be found in Applicant's specification on page 14 lines 13-21 and in original claim 1.)

Applicant respectfully submits that Pinter (U.S. patent number 5,894,506) does not anticipate the invention recited in amended Claim 1. Pinter (U.S. patent number 5,894,506) does not anticipate the receiving message device responding to codes as commands to insert message components which are already stored in the receiving message device and not necessarily known to the sending messaging device. Applicant submits that the Pinter (U.S. patent number

5,894,506) patent actually teaches away from the present invention since in Pinter (U.S. patent number 5,894,506) the sending device and the receiving device maintain the same list of codes; and the sending device initiates the message using the codes. In Independent claim 1, the sending device transmits a complete message; and the codes are utilized between the messaging terminal and the receiving messaging device only.

Applicant respectfully requests reconsideration of the rejection of claims 4-7 under 35 U.S.C. 103(a) as being unpatentable over Pinter (U.S. patent number 5,894,506) as herein amended. Applicants submit that amended claims 4-7 are allowable over the cited references based on their dependency upon claim 1 which claim was shown to be allowable above. Since claims 4-7 introduce additional subject matter that, particularly when considered in the context of the recitations of claim 1 constitutes patentable subject matter, Applicants respectfully submit that claims 4-7 are in proper condition for allowance and request that claims 4-7 may now be passed to allowance.

The rejection of Claim 8 under 35 U.S.C. 102(b) as being anticipated by Gabrielle et al. (U.S. patent number 6,154,147) is respectfully traversed and reconsideration and withdrawal of the rejection is respectfully requested at this time. If the publication or issue date of the reference is more than 1 year prior to the effective filing date of the application (MPEP § 706.02), the reference qualifies as prior art under 35 U.S.C. 102(b). The issue date (i.e. equals the publication date) of Gabrielle et al. (U.S. patent number 6,154,147) is November 28, 2000. The effective filing date of the present patent application is August 31, 2001. Thus, the publication or issue date of Gabrielle et al. (U.S. patent number 6,154,147) is not more than 1 year prior to the effective filing date of the present application and thus does not qualify as prior art under 35 U.S.C. 102 (b). Applicants respectfully submit that claim 8 is in proper condition for allowance and request that claim 8 may now be passed to allowance.

Claim Rejections - 35 U.S.C. § 103(a):

Applicant respectfully requests reconsideration of Claim 2 under 35 U.S.C. 103(a) as being unpatentable over Pinter (U.S. patent number 5,894,506) as applied to claim 1 and further in view of Gabrielle et al. (U.S. patent number 6,154,147) as herein amended. Applicants submit that claim 2 is allowable over the cited references based on its dependency upon claim 1

which claim was shown to be allowable above. Since claim 2 introduces additional subject matter that, particularly when considered in the context of the recitations of claim 1 constitutes patentable subject matter, Applicants respectfully submit that claim 2 is in proper condition for allowance and request that claim 2 may now be passed to allowance.

Applicant respectfully requests reconsideration of Claim 3 under 35 U.S.C. 103(a) as being unpatentable over Pinter (U.S. patent number 5,894,506) as applied to claim 1 and further in view of Takahashi et al. (U.S. patent number 6,097,935) as herein amended. Applicants submit that claim 3 is allowable over the cited references based on its dependency upon claim 1 which claim was shown to be allowable above. Since claim 3 introduces additional subject matter that, particularly when considered in the context of the recitations of claim 1 constitutes patentable subject matter, Applicants respectfully submit that claim 3 is in proper condition for allowance and request that claim 11 may now be passed to allowance.

Applicant respectfully requests reconsideration of the rejection of claims 9-10 and 12 under 35 U.S.C. 103(a) as being unpatentable over Gabrielle et al (U.S. patent number 6,154,147), in view of Nelson (U.S. patent number 4,951,044) as herein amended. Applicants submit that amended claims 9-10 and 12 are allowable over the cited references based on their dependency upon claim 8 which claim was shown to be allowable above. Since claims 9-10 and 12 introduce additional subject matter that, particularly when considered in the context of the recitations of claim 8 constitutes patentable subject matter, Applicants respectfully submit that claims 9-10 and 12 are in proper condition for allowance and request that claims 9-10 and 12 may now be passed to allowance.

Applicant respectfully requests reconsideration of Claim 11 under 35 U.S.C. 103(a) as being unpatentable over Gabrielle (U.S. patent number 6,154,147) in view of Nelson et al. (U.S. patent number 4,951,044) as applied to claim 10 and further in view of Takahashi et al. (U.S. patent number 6,097,935) as herein amended. Applicants submit that claim 11 is allowable over the cited references based on its dependency upon claim 8 which claim was shown to be allowable above. Since claim 11 introduces additional subject matter that, particularly when considered in the context of the recitations of claim 8 constitutes patentable subject matter,

Applicants respectfully submit that claim 11 is in proper condition for allowance and request that claim 11 may now be passed to allowance.

New Claims

Applicants have herein added new claims 13 and 14. Claim 13 is dependent upon claim 1, which claim was shown to be allowable above. Support for claim 13 can be found in original claim 1. Consequently, claim 13 does not introduce any new matter into the specification. Therefore, since claim 13 introduces additional subject matter that, particularly when considered in the context of the recitations of claim 1, constitutes patentable subject matter, Applicants respectfully submit that claim 13 is in proper condition for allowance and request that claim 13 may now be passed to allowance. Support for new Claim 14 can be found in FIGs. 2, 12, and 13, page 14 line 13 – 22, and page 28, line 8 -17. Consequently, claim 14 does not introduce any new matter into the specification. Applicants respectfully submit that claim 14 is in proper condition for allowance and request that claim 14 may now be passed to allowance.

The other references of record have been reviewed and applicant's invention is deemed patentably distinct and nonobvious over each taken alone or in combination.

For the foregoing reasons, applicants respectfully request that the above rejections be withdrawn.

Inasmuch as this amendment distinguishes all of the applicants' claims over the prior art references, for the many reasons indicated above, passing of this case is now believed to be in order. A Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If the Examiner believes that there are any informalities which can be corrected by Examiner's amendment, or in the event that the Examiner deems the present application non-allowable, a telephone call to the undersigned at (954) 723-6449 is respectfully solicited.

Authorization is hereby given to charge any fees, or credit overpayment necessitated by actions taken herein to Deposit Account 50-2117.

Respectfully submitted,

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